

## REMARKS

The Examiner is thanked for the indication that claims 13-22 and 33-38 are allowable over the prior art of record and that claim 10 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1 and 5-8, and 11-40 are pending in the application. Claims 1, 13, 20, 23, 29, 33, 36, and 39 are independent. By the forgoing Amendment, Applicants have amended claims 1, 5-6, 23, and 29, have canceled claims 9-10, and have added new claims 39-40. These changes are believed to introduce no new matter and their entry is respectfully requested.

### Objection to Claims 5-6

In paragraph 3 of the Office Action, the Examiner objected to claims 5-6 as being of improper dependent form. By the foregoing Amendment, Applicants have amended claims 5-6 to accommodate the Examiner. Accordingly, Applicants respectfully request that the Examiner reconsider and remove the objection to claims 5-6.

### Rejection of Claims 1-8, 11-12, 23-25 and 27-31 Under 35 U.S.C. §103(a)

In the Office Action, the Examiner rejected claims 1-8, 11-12, 23-25 and 27-31 under 35 U.S.C. § 102(b) as being obvious over U.S. Patent No. 6,175,811 to Tekinay (hereinafter "Tekinay"). To establish a *prima facie* case of obviousness, an Examiner must show that there is some suggestion or motivation to modify a reference to arrive at the claimed invention, that there is some expectation of success, and that the cited reference teaches each and every element of the claimed invention. (MPEP §2143.) Applicant respectfully traverses the rejection.

In the Office Action, the Examiner states that Tekinay discloses extracting "**at least one of** a clock period and/or jitter rate of the RF signal" (emphasis in original). Applicants respectfully disagree with the Examiner. However, although Applicants believe that independent claims 1, 23, and 29 are patentable as written, in the interest of expediting prosecution, applicants have amended claims 1, 23, and 29 to delete "and/or jitter rate" from claim 1.

In the Advisory Action, the Examiner stated that the proposed amendments would not be entered because they “raise the issue of *new matter*.” Specifically, “[t]he proposed amendment filed on 3/16/06 raise the issue of *new matter* since the limitation of the previous claims totally different meaning with the proposed claims amendment ‘wherein the timing parameter includes at least one of a clock period and/or jitter rate of the RF signal’ difference meaning with ‘wherein the timing parameter includes a clock period of the RF signal’” (emphasis added). Applicants respectfully disagree.

Applicants respectfully submit that the deletion of “and/or jitter rate” from claims 1, 23, and 29 to leave “wherein the timing parameter includes a clock period of the RF signal” does not constitute new matter. Information contained in any one of the specification, claims, or drawings of the application as filed may be added to any other part of the application without introducing new matter. MPEP §2163.06. Applicants respectfully direct the Examiner to original claim 3, which recited in pertinent part “extracting a clock period of the RF signal” and to original claim 4, which recited in pertinent part “extracting jitter rate for the RF signal.” Applicants’ Specification at paragraph [0064] and Figures 9A and 9B describe extracting jitter from a signal under test according to an embodiment of the present invention. Applicants’ Specification at paragraph [0073] and Figures 9A and 9B describe extracting clock period from a signal under test according to an embodiment of the present invention. Accordingly, Applicants respectfully submit that “wherein the timing parameter includes a clock period of the RF signal” is not new matter.

Claims 5-8 properly depend from claim 1, which Applicants respectfully submit is patentable, and claims 30-31 properly depend from claim 29, which Applicants respectfully submit is patentable. Accordingly, Applicant respectfully submits that claims 5-8 and 30-31 are patentable for at least the same reasons that claims 1 and 29, respectively, are patentable. (MPEP §2143.03 (citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988))). Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejection to claims 5-8 and 30-31.

Rejection of Claims 11-12, 24-25, and 27-28 Under 35 U.S.C. §103(a)

In paragraph 6 of the Office Action, the Examiner rejected claims 11-12, 24-25, and 27-28 as being obvious over Tekinay in view of Wavelet-Wikipedia. Applicants respectfully traverse the rejection.

Claims 11-12 properly depend from claim 1, which Applicants respectfully submit is patentable, and claims 24-25 and 27-28 properly depend from claim 23, which Applicants respectfully submit is patentable. Accordingly, Applicant respectfully submits that claims 11-12 and 24-25 and 27-28 are patentable for at least the same reasons that claims 1 and 23, respectively, are patentable. (MPEP §2143.03 (citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988))). Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejection to claims 11-12, 24-25, and 27-28.

Rejection of Claim 26 Under 35 U.S.C. §103(a)

In paragraph 6 of the Office Action, the Examiner rejected claim 26 as being obvious over Tekinay in view of Wavelet-Wikipedia in further view of U.S Patent No. 5,990,823 to Peele et al. (hereinafter "Peele"). Applicants respectfully traverse the rejection.

Claim 26 properly depends from claim 23, which Applicants respectfully submit is patentable.. Accordingly, Applicant respectfully submits that claim 26 is patentable for at least the same reasons that claim 23 is patentable. (MPEP §2143.03 (citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988))). Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejection to claim 26.

Rejection of Claim 9 and 32 Under 35 U.S.C. §103(a)

In paragraph 8 of the Office Action, the Examiner rejected claims 9 and 32 as being obvious over Tekinay in view Peele. Applicants respectfully traverse the rejection.

Claim 9 properly depends from claim 1 and claim 32 properly depends from claim 29, each of which Applicants respectfully submit are patentable. Accordingly, Applicants respectfully submit that claims 9 and 32 are patentable for at least the same reasons as claims 1

and 29 are patentable. (MPEP §2143.03 (citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988))). Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejection to claims 9 and 32.

#### New Claims 39-40

In paragraph 9 of the Office Action, the Examiner indicated that claim 10 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. New claim 39 includes the subject matter of claims 1 and 9-10. Accordingly, Applicants respectfully submit that new claim 39 is in condition for allowance.

New claim 40 properly depends from claim 39, which Applicants respectfully submit is in condition for allowance. Accordingly, Applicants respectfully submit that claim 40 is in condition for allowance.

#### **CONCLUSION**

Applicants submit that all grounds for rejection have been properly traversed, accommodated, or rendered moot and that the application is in condition for allowance. The Examiner is invited to telephone the undersigned representative if the Examiner believes that an interview might be useful for any reason.

Respectfully submitted,  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date: 4/19/2006

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